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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Charles A. Price et al.

Serial No. 09/785,008

Filed: February 16, 2001

For: A SYSTEM AND METHOD FOR REMOTELY CONFIGURING TESTING  
LABORATORIES

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Art Unit: 2182

Examiner: Unassigned

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~~Technology Center 2100~~

PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02

Assistant Commissioner for Patents  
Washington, D.C. 20231

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Sir:

Technology Center 2100

Applicants hereby petition the Commissioner of Patents and Trademarks to make this application special under the special examining procedure for accelerated examination recited in M.P.E.P. § 708.02. In accordance with M.P.E.P. § 708.02, Applicants authorize the Commissioner to charge \$ 130.00 to Deposit Account No. 19-5127, Order No. 19685.0007 to cover the fee for this Petition as set forth in 37 C.F.R. § 1.17 (i). No additional fees are believed to be necessary. In the event that additional fees are required in connection with the filing of this Petition, please charge the fees to Deposit Account No. 19-5127, Order No. 19685.0007.

All claims presented herein for examination are directed to a single invention.

However, if it is determined that restriction is required, Applicants agree to make an

election in accordance with established telephone restriction practices upon notification of the requirement for restriction.

Also in accordance with M.P.E.P. § 708.02, Applicants affirm that a pre-examination search has been conducted to identify the existence of prior art related to the subject matter of the present invention. The classes and subclasses searched include 359/110, 705/35, 714/33, 395/200.57 and 395/684.

The most pertinent references uncovered during the aforementioned search are described below. A copy of each reference is enclosed and listed on PTO FORM 1449.

#### DETAILED REMARKS

The present application discloses and claims a system and method for creating a network topology description for a test scenario, scheduling the execution of the test scenario in one or more lab facilities and executing the scenario in the lab facilities.

U.S. Patent No. 5,671,414 to Nicolet appears to disclose a system and method for loading, unloading or configuring remote server applications using a network client computer. Nicolet does not, however, appear to teach or suggest creating a network topology description for a test scenario, scheduling the execution of a test scenario or executing a test scenario.

U.S. Patent No. 5,796,953 to Zey appears to disclose a method for establishing an Internet data link to remote test systems. According to the method, an Internet connection processor translates a remote site selection, such as the Chicago, Illinois site, into an Internet address and establishes an internet connection with the remote site. The

Zey patent does not teach or suggest creating a network topology description for a test scenario, scheduling the execution of a test scenario or executing a test scenario.

U.S. Patent No. 5,969,835 to Kamieniecki et al. appears to disclose an infrared device that is used for automatically configuring and testing a product, such as a television, which is controlled by infrared devices. Kamieniecki does not appear to teach or suggest creating a network topology description for a test scenario, scheduling the execution of a test scenario or executing a test scenario.

U.S. Patent No. 5,969,835 to Willrett et al. appears to disclose a test methodology for testing newly developed networking products, such as routers. The test methodology appears to involve connecting a simulator to a first device, where the simulator simulates a second device. The test methodology does not appear to involve creating a network topology description for a test scenario, scheduling the execution of the test scenario and executing the test scenario. Rather, the Willrett methodology appears to only involve testing a single device.

U.S. Patent No. 5,933,816 to Zeanah et al. appears to involve delivering financial services over a network to a plurality of remote devices, such as personal computers, personal data assistants, screen phones and automated teller machines. Zeanah does not appear to teach or suggest creating a network topology description for a test scenario, scheduling the execution of the test scenario and executing the test scenario.

European patent application number EP 910194 A2 to Lynch appears to disclose a network test system that performs performance testing on networks to determine the performance of network devices. The Lynch reference appears to focus on establishing


time references from which to calculate delays and performance. Lynch does not appear to teach or suggest creating a network topology description for a test scenario, scheduling the execution of the test scenario and executing the test scenario.

## CONCLUSION

In view of the foregoing, Applicants respectfully submit that the requirements of M.P.E.P § 708.02 have been met. In addition, the pending claims are all allowable over the references described above when considered either individually or in any reasonable combination. Accordingly, Applicants request that this Petition to Make Special be granted and proceed for expedited prosecution on the merits and allowance.

Respectfully submitted,

Dated: *April 18, 2003*

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